



PAPER B

Purpose: For Decision

Committee report

Committee: **ANNUAL COUNCIL**

Date: **16 MAY 2012**

Title: **APPOINTMENTS AND CONSTITUTIONAL ISSUES**

Report Author: **DEPUTY DIRECTOR OF RESOURCES (CORPORATE GOVERNANCE) AND MONITORING OFFICER**

BACKGROUND

1. At each Annual Council meeting, in accordance with requirements under national legislation and the Council's Constitution, the Council is required to:
 - (a) *elect a person to preside if the Chairman of the Council is not present;*
 - (b) *elect the Chairman of the Council;*
 - (c) *elect the Vice-Chairman of the Council;*
 - (d) *approve the minutes of the last meeting of the Council;*
 - (e) *receive any declarations of interest from members;*
 - (f) *receive any announcements from the Chairman and / or the Head of the Paid Service;*
 - (g) appoint at least one Scrutiny Committee, a Standards Committee and such other committees as the Council considers appropriate;
 - (h) decide the size and terms of reference for those committees;
 - (i) appoint the Chairman of the Scrutiny Committee and the Chairman and Vice Chairman of any other committees or sub-committees which are required to be appointed by the Council;
 - (j) receive and consider nominations of councillors to serve on outside bodies that are required to be appointed by the Council (if any);
 - (k) re-affirm the scheme of delegation;
 - (l) *approve a programme of ordinary meetings of the Council for the year; and*
 - (m) *consider any business set out in the notice convening the meeting.*
2. Items (a) to (f) and (l) to (m) above (those in italics) are dealt with elsewhere on the agenda for the Annual Meeting; this report covers items (g) to (k). There are no appointments to outside bodies due to be considered at this Annual Council meeting therefore item (j) above requires no further action. There are also some other constitutional matters that the Council is being asked to consider as part of this report and these are:
 - (a) Political proportionality and unallocated seats;
 - (b) Police and Crime Panel arrangements;
 - (c) Public Question Time at Council and Cabinet meetings.

THE COMMITTEE STRUCTURE

3. In accordance with the various legislative requirements the Council is required to appoint on annual basis as a minimum the following committees:
 - (a) At least one Overview and Scrutiny Committee; and
 - (b) One or more committees of the Council to deal with the “regulatory” functions (i.e. Planning and Licensing matters).

4. The Leader of the Council in accordance with the agreed local model of governance (as one of the models permitted under national legislation) is appointed by the Council on a four year term at the annual meeting immediately after the normal elections.

5. Dealing with the appointment of committees in turn:

Overview and Scrutiny

6. Whilst the Cabinet undertakes the significant executive business of the Council, the Overview and Scrutiny Committee arrangements have an important role in scrutinising the decisions made and making suggestions for policy development. They do this by considering the decisions made by the Cabinet and making recommendations, from time to time, to the Cabinet (or individual Cabinet Members) or Full Council. Whilst there must be at least one Overview and Scrutiny Committee, the Council is free to determine any arrangements, as it sees fit, to discharge this function, taking into account the resources available.

7. At the Council meeting on 19 January 2011 the following structure was approved:

An Overview and Scrutiny Committee of 10 members supported by three panels of 7 members, not including statutory, co-opted or non-voting members, on the following basis:

- Children and Young People Scrutiny Panel;
- Health and Community Wellbeing Scrutiny Panel;
- Economy and Environment Scrutiny Panel.

8. With regard to the membership of the panels the following should be noted:

- (a) The Children and Young People Scrutiny Panel is required to accommodate statutory voting co-opted education representatives. There are two parent governor representatives and two diocesan representatives, which the Council must have on its scrutiny committee which deals with education matters. The positions of parent governor representatives are filled by way of a postal ballot which can only involve parent governors (currently Sara Sheath and David Miller). Both of the dioceses appoint their own representatives to the committee (currently Urszula Topp and Tony Blackshaw). These co-optees can only vote on education matters considered by the Panel.

(b) The Health and Community Wellbeing Scrutiny Panel:

- Cllr David Williams currently attends meetings of this Panel, as a non-voting member, as the Hampshire Police Authority's representative. The Hampshire Police Authority is due to cease in November 2012 with the establishment of the Police & Crime Commissioner for Hampshire and the Isle of Wight, with the Police & Crime Panel (detailed elsewhere in this report) assuming the lead scrutiny function of this role for the same administrative area. Therefore Cllr Williams's attendance at this Panel is likely to cease, however the Council's member of the Police & Crime Panel will be encouraged to attend this panel.
 - A LINK representative is a non-voting co-opted member of the Panel when performing the health scrutiny function (currently Paddy Noctor). This may change in the near future depending on the outcome of the proposed new arrangements with regard to Healthwatch – this will be subject to a separate decision at a later date.
9. The Overview & Scrutiny Committee and Scrutiny Panels meet every other month and meetings start at 5pm, unless agreed otherwise.
10. It is a current constitutional requirement for the Chairman of the Overview & Scrutiny Committee not to be drawn from the majority political group. The Chairman of this Committee, along with those of the three Scrutiny Panels, will need to be appointed by the Council.

Standards Committee

11. Under the Localism Act 2011 there is no longer a need for the Council to appoint a Standards Committee (which we call the Ethical Standards Committee). Alternative arrangements will need to be adopted with regards to a Code of Conduct and processes for dealing with complaints where it is alleged that this new Code of Conduct has been breached.
12. However not all the legislative processes are yet in place and it is currently planned that at the Council's meeting in June detailed proposals will be published for consideration by the Council. In the meantime the existing arrangements need to be maintained, and it is suggested that Council continues for the time being with the procedure that the Chairman and-Vice Chairman of that committee are independent members and are appointed by the committee itself.

Planning Committee AND Licensing & General Purposes Committee:

13. Following discussions at a Group Leaders meeting on 18 April, and a seminar to which all members were invited on 25 April, it is proposed to change the committee arrangements for these functions. The aim of the changes is to ensure that there is:
- a similar (as far as legislation allows) experience at committees dealing with similar issues, particularly in quasi-judicial regulatory functions;
 - a greater clarity of expectations and advice on the regulatory side, a streamlined process and a pool of member expertise in one area. This aligns

with the combination in one service area (Regulatory Services) of these functions, which also now sit under one Cabinet Member's responsibility.

14. The following structure is therefore proposed to **replace** the existing Planning Committee AND the Licensing & General Purposes Committee:
 - (a) A Regulatory Committee of 15 members be established to deal with all Planning, Licensing and related matters that fall within the remit of the Regulatory Services area.
 - (b) A Planning Sub-Committee of 12 members (drawn from the above 15) be established to consider all the matters relating to planning and to operate along the same lines as the current Planning Committee.
 - (c) That a Licensing Sub-Committee of 6 members (drawn from the above 15) be established to consider all matters relating to the licensing function, but with only 3 of those 6 needing to be called for matters which are not considered to be complex or of significant impact.
 - (d) That the Chairman and Vice-Chairman of the Regulatory Committee be appointed by Council and:
 - (i) that these individuals also be the Chairman and Vice-Chairman of the Planning Sub-Committee; and
 - (ii) whichever of these two individuals is in attendance at the Licensing Sub-Committee be the Chairman for that meeting, in priority order of Chairman and then Vice-Chairman, and in the absence of these individuals another member will be elected to chair that meeting;
 - (e) That members who do not attend the organised site visits for any planning or licensing matter cannot take part in the deliberation of that matter.
 - (f) That all 15 members on the Regulatory Committee be trained in dealing with planning, licensing and other related matters that fall within the remit of this committee.
 - (g) That a separate Appeals Committee be established with 8 members and that an Appeals Sub-Committee of this Committee of any 3 members from the 8 be called to hear appeals against various matters as set out in the terms of reference for this Committee.
 - (h) That the Chairman of the Appeals Committee be appointed by the Council, who will be Chairman for any meeting of the Appeals Sub-Committee, and in the absence of that individual another member will be elected to chair that meeting.
15. Draft terms of reference of the above committees are attached at Appendix A to this report. This will become the new Article 7 of the Constitution. As further refinements to these terms of reference may be required following consideration by the Council it is suggested that the Monitoring Officer be delegated approval to make any minor adjustments required in consultation with the relevant Cabinet Member and Committee Chairman and Vice-Chairman. Detailed procedures for these committees will be established and agreed by the relevant committees, in consultation with the relevant Cabinet Member.
16. A number of issues relating to licensing matters need to be considered during May and these arrangements are already in place. To accommodate these it is further suggested that the above arrangements be implemented as from 1 June 2012. But that in the meantime whoever is appointed at Annual Council as Chairman and Vice-

Chairman of the proposed Regulatory Committee serve as Chairman and Vice-Chairman respectively of any meetings of the current Planning AND Licensing & General Purposes Committee until 1 June 2012.

17. Members may recall that when the Independent Remuneration Panel made its latest recommendations it included reference to a Special Responsibility Allowance for the Chairman and Vice-Chairman of a Regulatory Committee, should one be appointed. At the time that this was considered by the Panel the thinking was that this Regulatory Committee would combine all the functions of the current Planning Committee AND Licensing & General Purposes Committee. As this is not now the case it is suggested that when the Independent Remuneration Panel undertakes its annual review it considers and make recommendations on the appropriate Special Responsibility Allowance for the Chairman and Vice-Chairman of the new Regulatory Committee and the new Appeals Committee, taking into account the agreed changes in the distribution of functions when compared to their earlier deliberations.
18. In the meantime and subject to the subsequent consideration of any recommendations from the Independent Remuneration Panel, it is suggested that the Chairman of the proposed Appeals Committee receive a provisional allowance equal to that paid to the current Vice-Chairman of the Planning Committee. As the workload of the proposed Regulatory Committee will be less than was what originally considered by the Independent Remuneration Panel (due to the establishment of a separate Appeals Committee), it is proposed that the provisional Special Responsibility Allowance for the Chairman and Vice-Chairman of the Regulatory Committee be reduced from that recommended by the Independent Remuneration Panel, with these reductions being to an equivalent value of the provisional allowance paid to the Chairman of the Appeals Committee. This ensures that there is a very minimal variation on the overall combined level of allowances being paid, and therefore no adverse budgetary impact of these changes. Therefore Council is asked to agree provisional Special Responsibility Allowances for these positions as follows:
 - Chairman of the Regulatory Committee - £10,274 pa
 - Vice-Chairman of the Regulatory Committee - £3,952 pa
 - Chairman of the Appeals Committee - £1,580 pa (same as current Vice-Chairman of the Planning Committee).
19. In agreeing these provisional allowances, the Council should have regard for the possibility that the Independent Remuneration Panel may recommend allowances at an alternative level. If the Council accepts these recommendations, such allowances will be backdated to the date of appointment and either an additional payment will be made or monies recouped, as appropriate.
20. Furthermore, the Council is also asked to instruct the Independent Remuneration Panel to consider levels of allowances for the positions named above when it undertakes its annual review, and to make recommendations back to Council.

Audit Committee

21. The Audit Committee meets five times a year. This includes a meeting in September to comply with statutory requirements. Its main role is to review regular reports on risk, procurement and internal audit along with approving the final accounts and Annual Audit Letter. In addition the Audit Committee will receive any appropriate external reports.

22. The current membership of this Committee is 5 plus 1 non-voting co-opted member to enhance the independence and skill base of the Committee. The constitution allows for up to two non-voting co-opted members.
23. The Chairman of the Audit Committee will need to be appointed by the Council.

Isle of Wight Pension Fund Committee

24. Membership of this Committee comprises 7 members plus a non-voting representative from Unison and the Admitted Bodies (organisations other than the Council who are in the pension scheme). The Committee meets quarterly.
25. The Chairman of the Isle of Wight Pension Fund Committee will need to be appointed by the Council.

Terms of Reference

26. The current terms of reference of all the committees is as set out in the current Constitution as available on the Council's website at:
[http://www.iwight.com/council/what_is_a_council/The Councils Constitution/](http://www.iwight.com/council/what_is_a_council/The_Councils_Constitution/)
27. It is suggested that other than the changed terms of reference relating to the Regulatory Committee and the Appeals Committee (replacing those of the Planning Committee AND Licensing & General Purposes Committee – Article 7 of the Constitution) that there be no other changes to the terms of reference.

APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN

28. It is for Council to approve the Chairmen of the committees, except the Ethical Standards Committee. Council should also approve the Vice-Chairman of the Regulatory Committee. All other committees and panels can appoint their own vice-chairman (where required) unless the Council so chooses to appoint a vice-chairman. The Ethical Standards Committee appoints its own chairman and vice chairman.

SCHEME OF DELEGATION

29. Council is asked to affirm the scheme of delegation of powers (to both Cabinet Members and officers) as currently set out in Appendix B. This will replace the current pages 68 to 82 of the Constitution which requires amendments following restructuring of the Council and new legislative requirements.

POLITICAL PROPORTIONALITY AND UNALLOCATED SEATS

30. Members will be aware that all formal committees of the Council have the seats allocated to the various political groups on a proportionality basis reflecting the overall proportionality across the Council. For those members not in a political group (currently 2 members of the Council are not members of any group), it is for the Council to decide which committee seats should be made available to those members.

31. Of the 2 members who fall into that category currently one, Cllr Whittaker, has not been allocated any seats by the Council. There is currently a seat vacant on both the Health & Community Wellbeing Scrutiny Panel and the Economy & Environment Scrutiny Panel. These seats have been kept vacant pending the decision of the Council to allocate them.
32. The Council is invited to consider if these seats should be allocated to Cllr Whittaker, or if they should remain vacant as they cannot be allocated to any other group.

POLICE AND CRIME PANEL ARRANGEMENTS

33. The Police Reform and Social Responsibility Act 2011 ("the Act") introduces changes to the arrangements for governance and scrutiny of the police service. In November 2012, police authorities will be abolished and replaced by a Police & Crime Commissioner ("the Commissioner") for each policing area. The Commissioner will be responsible for securing the maintenance of an efficient and effective police force for the area, and hold the Chief Constable to account for the exercise of his / her functions. The Commissioner will also be responsible for issuing and keeping under review a Police and Crime Plan, setting out local policing priorities and how policing is to be resourced. The Act also requires the local authorities for each policing area to establish a Police and Crime Panel to review and scrutinise the Commissioner's actions and decisions, with a view to supporting and challenging the work of the Commissioner.
34. Discussions have been held between all the leaders (or their nominated representatives) and senior officers of the 15 principal local authorities that fall within the Hampshire Police Authority area, to agree how such a Panel might be established. Appendix C to this report sets out a paper, prepared by officers across the Hampshire Police Authority area, outlining the statutory role of a Police and Crime Panel, and recommends the basis on which it is proposed that a Panel should be established for the Hampshire and Isle of Wight policing area.
35. The attached report recommends:
 - (a) The terms on which the Police and Crime Panel should be established are endorsed.
 - (b) Subject to (c) below, the Panel arrangements as set out in this report and [available from this web link](#) are approved.
 - (c) The Chief Executive, in consultation with the Leader, be authorised to agree any further minor amendments to the Panel arrangements necessary to ensure statutory compliance, once the Home Secretary's final regulations and guidance have been published.
 - (d) That a member be appointed as the Council's Appointed Member to the Panel.
 - (e) That a member be identified to act as "Deputy Member" and, where the Appointed Member is temporarily unable to attend a Panel meeting or otherwise undertake Panel business, the Chief Executive be authorised to give notice of temporary change of membership for a period of up to 28 days, to enable the Deputy Member to deputise in the Appointed Member's absence.

PUBLIC QUESTION TIME AT COUNCIL AND CABINET MEETINGS

36. Group Leaders have recently considered amendments to the current arrangements for public questions at the Council and Cabinet meetings. This is in the light of recent events when it became increasingly apparent that there was confusion in some quarters over who should answer questions (whether submitted in writing or orally at the meeting) and furthermore that more confident and regular attendees in the public gallery may, through their determination to ask a question, assume priority (without good reason) for asking a question when compared to those attending a meeting to ask a question for the first time. It was also felt that there needed to be more information made available to the Chairman when the meeting gets to the public question time section, to ensure that the proper formality and structure of proceedings is retained.
37. It is therefore suggested that the following changes to the Constitution are made:
- (a) Making it clear that questions (either written or oral) will usually be answered by either the Leader, or relevant Cabinet Member, or another member as determined by the Chairman. This acknowledges that questions, which must relate to the policy or budget, should only normally be answered by those members with executive (Cabinet) responsibility for such areas.
 - (b) That those wishing to submit an oral question at a meeting follow the procedure as set out in Appendix D to this report of pre-registering the fact that they wish to ask an oral question just before the commencement of the meeting. This will enable the Chairman to deal with questions on a fairer basis and enable the Chairman to call members of the public forward in the order in which the requests to ask oral questions have been received.

FINANCIAL / BUDGET IMPLICATIONS

38. The recommendations relating to the changes around the regulatory committee functions will have no measureable impact on the level of Special Responsibility Allowances (SRA) being paid. At the moment the following SRAs are paid:

Planning Committee Chairman - £7,903 pa
Planning Committee Vice-Chairman - £1,580 pa
Licensing & General Purposes Committee Chairman - £6,322 pa
Total of £15,805 pa

If the recommendations in the report are implemented, and subject to the recommendations of the Independent Remuneration Panel later in the year, the above SRAs will be replaced with:

Regulatory Committee Chairman - £10,274 pa
Regulatory Committee Vice-Chairman - £3,952 pa
Appeals Committee Chairman - £1,580 pa
Total of: £15,806 pa

39. This is an increase of £1 pa. This very marginal increase can be met from within the Members Allowances budget due to vacancies and not all the SRAs being claimed. (There may be a more significant impact on the budget when the Council considers the recommendations of the Independent Remuneration Panel – but that will need to be taken into account then).

40. The Police and Crime Panel arrangements are cost neutral to this Council as all costs will be met by the Panel itself from the grants available from the Home Office.
41. None of the other recommendations have any direct financial implications.

LEGAL IMPLICATIONS

42. The proposed decision is within the powers provided by the Council's Constitution and meets the requirements in the Local Government Act 2000, the Police Reform and Social Responsibility Act 2011 and other related legislation. Accordingly there is no risk in making a decision of this type.

EQUALITY AND DIVERSITY

43. The rules around political proportionality ensure that the Council's decision making structure reflects the make up of the democratically elected representation of the Island's voting population.
44. An initial screening has been undertaken with regards to all the recommendations contained within this report do not impact on those with any of the protected characteristics such as sexual orientation and religion.

OPTIONS

45. Option 1 - that Council approve:
- (a) That there be a change to the committee structure of the Council by replacing the current Planning Committee AND Licensing & General Purposes Committee with a Regulatory Committee and an Appeals Committee with terms of reference as set out in Appendix A to this report and that all other committees / panels remain as set out in the Constitution.
 - (b) That the Monitoring Officer be delegated approval to make any minor adjustments required to Appendix A (to this report) in consultation with the relevant Cabinet Member and Committee Chairman and Vice-Chairman.
 - (c) That the proposed Regulatory Committee and Appeals Committee be implemented as from 1 June 2012 and that whoever is appointed (as per (d) below) as Chairman and Vice-Chairman of the Regulatory Committee (as per (a) above) serve as Chairman and Vice-Chairman respectively of any meetings of the current Planning AND Licensing & General Purposes Committee until 1 June 2012.
 - (d) That (assuming (a) above is agreed) appoint to the following positions:
 - Chairman of Overview and Scrutiny Committee;
 - Chairman of the Children and Young People Scrutiny Panel;
 - Chairman of the Economy and Environment Scrutiny Panel;
 - Chairman of the Health and Community Wellbeing Scrutiny Panel;
 - Chairman of the Regulatory Committee;
 - Vice-Chairman of the Regulatory Committee;

- Chairman of the Appeals Committee;
 - Chairman of the Audit Committee;
 - Chairman of the Isle of Wight Pension Fund Committee.
- (e) That the Special Responsibility Allowance for the above positions be as set out in the Members Allowances Scheme except that the following posts receive the following provisional Special Responsibility Allowances that will be reviewed by the Independent Remuneration Panel later in the year (as part of their annual review) with the final payment to those appointed to be adjusted (either by additional payment or recovery if overpaid) in line with the recommendation of the Independent Remuneration Panel:
- Regulatory Committee Chairman - £10,274 pa;
 - Regulatory Committee Vice-Chairman - £3,952 pa;
 - Appeals Committee chairman - £1,580 pa.
- (f) The scheme of delegation as detailed in Appendix B to this report.
- (g) That
- (1) Cllr Whittaker be allocated a seat on both the Health & Community Wellbeing Scrutiny Panel and the Economy & Environment Scrutiny Panel; or
 - (2) These seats should remain vacant.
- (h) The terms on which the Police and Crime Panel should be established are endorsed.
- (i) Subject to (h) below, the Police and Crime Panel Arrangements as set out in Appendix C to this report and [available from this web link](#) be approved.
- (j) The Chief Executive, in consultation with the Leader, be authorised to agree any further minor amendments to the Police and Crime Panel Arrangements necessary to ensure statutory compliance, once the Home Secretary's final regulations and guidance have been published.
- (k) That a member be appointed as the Council's Appointed Member to the Police & Crime Panel.
- (l) That a member be agreed to act as "Deputy Member" to the Police and Crime Panel and, where the Appointed Member is temporarily unable to attend a Panel meeting or otherwise undertake Panel business, and that the Chief Executive be authorised to give notice of temporary change of membership for a period of up to 28 days, to enable the Deputy Member to deputise in the Appointed Member's absence.
- (m) That the procedure rules in as far as they relate to meetings of Full Council and Cabinet be amended so that it is clear that questions (either written or oral) will usually be answered by either the Leader, or relevant Cabinet Member, or another member as determined by the Chairman.

- (n) That the revised arrangements for submitting oral questions at meetings of Council and the Cabinet be approved, as set out in Appendix D to this report.

46. Option 2 – not to approve the recommendations.

47. Option 3 – to approve the recommendations with amendments.

RISK MANAGEMENT / EVALUATION

48. The recommendations are to ensure that the Council meets its corporate governance requirements and responds to changing requirements and demands, and therefore lessens the risks arising from the decision making process.
49. The majority of the recommendations are required under the Council's constitution. However an effective business system for the Council is essential to enable the business to be transacted openly and in a timely manner. The appointment of the various committees and their terms of reference, together with an effective and comprehensive Constitution seeks to do this.

RECOMMENDATION

That Council approve:

- (a) That there be a change to the committee structure of the Council by replacing the current Planning Committee AND Licensing & General Purposes Committee with a Regulatory Committee and an Appeals Committee with terms of reference as set out in Appendix A to this report and that all other committees / panels remain as set out in the Constitution.
- (b) That the Monitoring Officer be delegated approval to make any minor adjustments required to Appendix A (to this report) in consultation with the relevant Cabinet Member and Committee Chairman and Vice-Chairman.
- (c) That the proposed Regulatory Committee and Appeals Committee be implemented as from 1 June 2012 and that whoever is appointed (as per (d) below) as Chairman and Vice-Chairman of the Regulatory Committee (as per (a) above) serve as Chairman and Vice-Chairman respectively of any meetings of the current Planning AND Licensing & General Purposes Committee until 1 June 2012.
- (d) That (assuming (a) above is agreed) appoint to the following positions:
- Chairman of Overview and Scrutiny Committee;
 - Chairman of the Children and Young People Scrutiny Panel;
 - Chairman of the Economy and Environment Scrutiny Panel;
 - Chairman of the Health and Community Wellbeing Scrutiny Panel;
 - Chairman of the Regulatory Committee;
 - Vice-Chairman of the Regulatory Committee;
 - Chairman of the Appeals Committee;
 - Chairman of the Audit Committee;
 - Chairman of the Isle of Wight Pension Fund Committee.

- (e) That the Special Responsibility Allowance for the above positions be as set out in the Members Allowances Scheme except that the following posts receive the following provisional Special Responsibility Allowances that will be reviewed by the Independent Remuneration Panel later in the year (as part of their annual review) with the final payment to those appointed to be adjusted (either by additional payment or recovery if overpaid) in line with the recommendation of the Independent Remuneration Panel:
- Regulatory Committee Chairman - £10,274 pa;
 - Regulatory Committee Vice Chairman - £3,952 pa;
 - Appeals Committee chairman - £1,580 pa.
- (f) The scheme of delegation as detailed in Appendix B to this report.
- (g) That
- (1) Cllr Whittaker be allocated a seat on both the Health & Community Wellbeing Scrutiny Panel and the Economy & Environment Scrutiny Panel; or
 - (2) These seats should remain vacant.
- (h) The terms on which the Police and Crime Panel should be established are endorsed.
- (i) Subject to (j) below, the Police and Crime Panel Arrangements as set out in Appendix C to this report and [available from this web link](#) be approved.
- (j) The Chief Executive, in consultation with the Leader, be authorised to agree any further minor amendments to the Police and Crime Panel Arrangements necessary to ensure statutory compliance, once the Home Secretary's final regulations and guidance have been published.
- (k) That a member be appointed as the Council's Appointed Member to the Police & Crime Panel.
- (l) That a member be agreed to act as "Deputy Member" to the Police and Crime Panel and, where the Appointed Member is temporarily unable to attend a Panel meeting or otherwise undertake Panel business, and that the Chief Executive be authorised to give notice of temporary change of membership for a period of up to 28 days, to enable the Deputy Member to deputise in the Appointed Member's absence.
- (m) That the procedure rules in as far as they relate to meetings of full Council and Cabinet be amended so that it is clear that questions (either written or oral) will usually be answered by either the Leader, or relevant Cabinet Member, or another member as determined by the Chairman.
- (n) That the revised arrangements for submitting oral questions at meetings of Council and the Cabinet be approved, as set out in Appendix D to this report.

APPENDICES ATTACHED

Appendix A: Draft Revised Article 7 of Constitution;
Appendix B: Scheme of Delegation;
Appendix C: Police and Crime Panel Arrangements;
Appendix D: Draft procedure for submitting oral questions to meetings of Council and Cabinet.

BACKGROUND PAPERS

None used in the preparation of this report.

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APPENDIX A

DRAFT

ARTICLE 7 – REGULATORY COMMITTEE AND APPEALS COMMITTEE

The Council will appoint a Regulatory Committee (which is also the Planning (Statutory) Committee and the Licensing (Statutory) Committee) and an Appeals Committee with the terms of reference set out below.

Terms of Reference:

Regulatory Committee (15 Members)

Planning Functions:

1. To exercise the powers and duties of the Council, within the corporate policies and strategies of the Council, in relation to:
 - (a) Its role as Planning Authority in its development control and planning functions, and
 - (b) The extraction of minerals, the clearance and reclamation of derelict land, subsequent after use of sites for waste disposal and restoration of site,

The committee will take decisions only where:

- the law or Council policy requires the decision to be taken by elected members, or
- an officer with delegated powers declines to exercise those powers, having considered representations, or for any other reason.

Statutory and non statutory Licensing functions:

2. To deal with any application or appeal in relation to the licensing or grant of consent or permission where the law requires the decision to be taken by elected members, including the Licensing Act 2003 and Gambling Act 2005, and therefore is not a Council committee convened under s101 Local Government Act 1972 .
3. To consider and determine any application or appeal in relation to the licensing or grant of consent or permission where
 - (i) the law or Council policy requires the decision to be taken by elected members.
 - (ii) an officer with delegated powers declines to exercise those powers, having considered representations, or for any other reason.
 - (iii) the licence, consent or permission is contained within the list set out below OR is not otherwise specifically delegated to another part of the Council.

4. The Council may appoint the same elected members (and Chairman) on both the Licensing (statutory) and Licensing (non statutory) Committee. For the purposes of day to day business the Council shall refer to both committees as: Regulatory Committee.
5. To adopt policy in relation to the licensing or grant of consent or permission where the law allows the Regulatory Committee to determine that policy.
6. Licensing functions include the grant, renewal, refusal, revocation, variation, cancellation, imposition of conditions, (and appeals against any such action) and determination of reviews in relation to the following regulated activities:
 - (a) Acupuncture, Tattooing, Ear piercing and Electrolysis.
 - (b) Activities within the remit of the Gambling Act 2005.
 - (c) Caravan Site.
 - (d) Activities within the Remit of the Licensing Act 2003.
 - (e) Dangerous Wild Animals.
 - (f) Breeding of Dogs.
 - (g) Rag Flock and other Filling Materials.
 - (h) Game Licenses.
 - (i) Guard Dogs.
 - (j) House to House Collections.
 - (k) Pet Shops.
 - (l) Pleasure boats and boatmen.
 - (m) Regulation of Street Collections.
 - (n) Street Trading.
 - (o) Zoos.
 - (p) Animal Boarding Establishments.
 - (q) Sunday Trading.
 - (r) Riding Establishments.
 - (s) Scrap Metal Dealers.
 - (t) Sex Establishments.
 - (u) Poisons, Explosives.
 - (v) Sports Grounds.
 - (w) Performing Animals.
 - (x) Open Air Events under the Isle of Wight County Council Act 1971.
 - (y) Hackney Carriages and Private Hire Vehicles.
 - (z) Movement of Animals.

and any other registration or licensing function not specifically delegated elsewhere in this constitution, or by the law that is within the remit of the Planning and Regulatory Services.

7. To undertake the functions set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 generally, those functions which are not to be carried out by the authority's executive (cabinet) save where these functions are carried out by Council or have been delegated to officers.

The above functions shall be delegated to the following Sub-Committees:

All Planning functions (paragraph 1 above) to a Planning Sub-Committee of 12 members

All other functions (paragraphs 2 to 7 above) to a Licensing Sub-Committee of 6 members

Where the licensing matter falls within the following criteria all 6 members will sit to consider the matter:

- Large events where the expected number of attendees, staff and performers will exceed 5,000 persons; or
- Applications where the activities proposed to be undertaken will have a significant impact on the:
 - Night time economy; or
 - The nearby and wider island community; or
 - Multiple wards; or
 - Transport links.

Or

- Applications with multiple representations from interested parties (taking into account the number of residents/businesses in the vicinity against the number of representations received); or
- Reviews of premises licences

For matters that fall outside the above criteria then the Sub-Committee shall comprise any 3 of the 6 members who will sit to consider the matter.

It will be for the Head of Planning and Regulatory Services - in consultation with the Chairman (or Vice-Chairman in the absence of the Chairman) - to determine whether a matter meets the above criteria.

Quorum

The quorum of the Committees and Sub-Committee (except the Planning Sub-Committee) will be one quarter (but not less than 3) of the membership. The quorum of the Planning Sub Committee will be 6.

Chairman

The Chairman and Vice-Chairman of the Regulatory Committee will be the Chairman and Vice-Chairman of that Committee's sub-committees. If the Chairman is absent the meeting will be chaired by the Vice-Chairman. If there is no Vice Chairman or they are absent then the meeting will elect one of the members present to chair the meeting.

Meetings

Meetings (of the Committee and Sub-Committees) will commence at a time that in the opinion of the Chairman meets the needs of applicants, objectors or other interested parties.

Sub-Committees

The Committee may also appoint further sub-committees as they deem appropriate.

Appeals Committee (8 Members)

1. To determine appeals against decisions of the authority where the law, or Council policy, requires the appeal to be determined by elected members in relation to the following functions:

Awards
School Transport
Curriculum Complaints
Adoption and Fostering
Registration of Homes
Access to Social Services Files
Housing Benefit and Council Tax Appeals
Business Rate Hardship
Rights of Way Orders
Highway Orders
Approval of Premises for marriage and civil partnership ceremonies

Any other function involving an appeal process not specifically delegated elsewhere in this constitution, or by the law, where no other delegation exists.

2. To oversee arrangements, including the appointment of the pool of members from which independent appeal panels are selected by the Clerk to the Education Appeals Committee, for school exclusions, admissions and special education needs appeals.
3. The above functions shall be delegated to a sub-committee of any 3 of the 8 members shall be established.

Quorum

The quorum of the Committee will be 3.

Chairman

The Chairman of the Appeals Committee will be the Chairman of that Committee's sub-committees. If the Chairman is absent the meeting will elect one of the members present to chair the meeting.

Meetings

Meetings (of the Committee and Sub-Committees) will commence at a time that in the opinion of the Chairman meets the needs of applicants, objectors or other interested parties.

Sub-Committees

The Committee may also appoint further sub-committees as they deem appropriate.

APPENDIX B

DELEGATION OF FUNCTIONS

The decision making arenas for Council business are:

1. Full Council, which decides the Council's overall policies, sets the level of Council Tax, the revenue budget and capital budget each year.
2. Cabinet, which is responsible for most day to day decisions. Cabinet functions can be carried out by the Cabinet meeting, Cabinet Members acting under delegated powers or officers acting under delegated powers.

Cabinet meetings should only take decisions that are significantly controversial or which are of strategic importance. The vast majority of decisions will be taken under delegated powers.

Officers should consider using their delegated powers for decisions that fall outside the definition above, however they should refer to the relevant Cabinet Member any decision that is controversial or which would benefit from higher visibility by being taken either by the Cabinet Member under their delegated powers or by the Cabinet itself.

Any decision that is likely to be contentious should be discussed with the Cabinet Member before the decision is made so that the appropriate decision making process can be agreed.

An officer may take an Officer Decision (see Officers scheme of Delegation), subject to the limitations referred to in the scheme.

All decisions must be taken in accordance with the "Decision Making Rules" as set out on page 173 of the constitution.

3. The Council will also establish Committees – to deal with the regulatory side of non-executive functions (See Article 7 for details of these committees).

In relation to planning, see also the Planning (Sub) Committee Rules at page 125 and the Code of Practice relating to planning at page 201.

In relation to Licensing, see the Licensing (Sub) Committee Rules at page 127 and the Code of Practice relating to licensing at page 194.

Many of the decisions that relate to Planning and Licensing can be dealt with by officers under the officer delegation scheme.

4. The functions described in paragraphs 1 and 3 above are described as "non Executive Functions" and those in paragraph 2 are "Executive Functions". Only the Cabinet can determine Executive Functions.

DELEGATED FUNCTIONS

The Council has agreed that the Leader of the Council may determine the delegation of executive functions to be discharged by Cabinet Members and Officers of the Council.

The Full Council will agree the scheme of delegation (in as far as they relate to non-Executive Functions) whilst the Regulatory Committees will agree any delegation of their functions to the officers.

DELEGATION OF EXECUTIVE FUNCTIONS - CABINET AND CABINET MEMBERS

1. Cabinet

1.1 To collectively take decisions (within the budget and policy framework set by Full Council) which relate to executive functions and which:

- Have a genuine strategic Island or Council-wide effect, or
- Affect several areas of Cabinet responsibility, or
- Are exceptionally controversial, or
- Form greater public exposure than a delegated decision is likely to receive, or
- Where there is no individual member of officer available (or willing) to exercise delegated authority.

2. Leader

2.1 The Leader retains authority to determine (within the budget and policy framework set by Full Council) all matters relating to executive functions delegated to the Cabinet, to Cabinet members or to officers, where there is no individual available (or willing) to exercise their delegated power.

2.2 The Leader of the Council also has authority to determine:

- The size of the Cabinet
- The appointment of Cabinet Members
- The allocation of portfolios and responsibility to Cabinet Members
- A scheme of delegations of executive functions to Cabinet Members
- A scheme of delegations of executive functions to officers

3. Delegation to Cabinet Members

Cabinet members have delegated power to take decisions which are either:

- Strategically significant for a service area relevant to their responsibility, or
- Likely to be particularly controversial, or
- Would otherwise benefit from the public exposure which a member decision receives.

4. Cabinet Member Responsibilities

The Leader shall, from time to time, amend the various portfolios of Cabinet members and shall maintain a list of all the functions that are contained within those portfolios. This list is available from the Corporate Governance Manager and is available from this web site :-

www.iwight.com/council/cabinet

By their nature, the portfolios of responsibility cut across the various functions of the Council and therefore in cases of uncertainty as to which Cabinet Member is responsible, the Leader of the Council shall determine the appropriate Cabinet Member.

DELEGATED DECISION MAKING

Cabinet Members - The Leader will maintain and publish a list of Cabinet Members, titles, portfolios and responsibility and delegation.

Cabinet Members can make any decision within their remit which is within the Budget and Policy Framework.

Cabinet Members cannot make a decision which is

- (a) A Key Decision unless advance notice of the proposed decision has been included in the Forward Plan or the urgency provisions have been invoked.

or

- (b) A decision that has been specifically reserved to the Council, the Cabinet, Regulatory Committee or delegated to officers.

If the Cabinet Member wishes to take a decision contrary to the advice of the relevant Strategic Director then the Cabinet Member must refer the issue to the Cabinet for a decision.

If the Cabinet Members consider that any decision they are being asked to take is likely to be sensitive or controversial, then they have the discretion to refer the decision to the Cabinet for consideration.

When the Cabinet or a Cabinet Member is making a decision the Decision Making Rules as set out on page 173 must be followed.

OFFICER SCHEME OF DELEGATION

INTRODUCTION

1. **WHAT IS THE OFFICER SCHEME OF DELEGATION?**
 - 1.1 Certain types of decision must by law be delegated to an officer rather than being determined by Members. These include the appointment and dismissal of officers below Deputy Chief Officer level, discharge of the duties of the Returning Officer in elections and the Proper Officer functions. Other Council functions must by law be determined by members, for example, setting the Council Tax and adopting the plans or strategies constituting the Council's Policy Framework. For the great majority of local authority functions, it is a matter of local choice for the Council whether they are exercised by Members or delegated to officers.
 - 1.2 The Council's constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that the Council operates in an efficient, transparent and accountable manner.
 - 1.3 The Constitution describes the overall areas of responsibility for Members of the Cabinet and for Committees and Sub-Committees. However, to ensure that the Council runs

efficiently, it is necessary for some decisions to be taken by officers. The Officer Delegation sets out which officers are empowered to undertake which decisions or actions on behalf of the Council.

- 1.4 The exclusions from the delegations to officers (i.e. the matters that are reserved for Members' decision) are set out in section 2 below and must be referred to Full Council or Cabinet.

2. GENERAL LIMITATIONS

- 2.1 This Scheme does not delegate to officers

- (a) Any matter reserved to full Council unless explicitly delegated by Council
- (b) Appointment of the Chief Executive and posts above Deputy Chief Officer level. The appointment (on a recommendation from the Employment Committee) of the Chief Executive is a matter for the Council, all other Chief Officer appointments are delegated to the Employment Committee.
- (c) Any matter which by law may not be delegated to an officer.
- (d) Any matter expressly reserved to the Cabinet within its Terms of Reference or otherwise, by Standing Orders or Financial Regulations or withdrawn from delegation by this Scheme or by the Cabinet or full Council
- (e) The making of an order for the compulsory acquisition of land
- (f) The acquisition of land in advance of requirements
- (g) The adoption, amendment or delegation of any strategic plan or policy as set out in the Terms of Reference of the full Council, the Cabinet or any Committee, Sub-Committee or Panel of the Council.

- 2.2 Officers shall not be authorised by virtue of these provisions

- (a) To incur any capital or revenue expenditure in excess of the estimates allocated to a function under the relevant head of expenditure, but subject to such modifications as may be made in accordance with Financial Regulations
- (b) To take a decision in contravention of any existing Council policy.

3. GENERAL PRINCIPLES/COMMON OFFICER DELEGATIONS

- 3.1 The Officer Delegation Scheme confers on Directors and Heads of Service extensive powers to carry out the Council's functions, both Executive and non-Executive. The designation "Director" throughout this Scheme will include the Chief Executive.
- 3.2 The Chief Executive will maintain and publish a list of services for which each Director and Head of Service is responsible for, and in relation to which they have delegated powers under this Scheme. The Chief Executive has authority to amend that list and this Scheme, to reflect operational necessity and in order to deliver continually improving services.
- 3.3 Powers shall be exercised in accordance with the law, the Council's Procedure Rules, Financial Procedure Rules, Contract Procedure Rules and any policies relevant to the functions delegated.
- 3.4 The fact that a function is delegated to a Director or Head of Service under this Scheme does not restrict an officer referring any decision to the Cabinet and Member or relevant Committee should he/she consider that the decision is controversial or of strategic

importance the Cabinet or a Cabinet Member (for Executive functions) or the Council or a Committee (for non-Executive functions) from exercising the function in question.

“Function” is to be construed broadly and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

- 3.5 A Director or Head of Service is not required to exercise all delegations personally and may authorise officers of suitable experience and seniority to exercise delegated powers, either generally or specifically, on his/her behalf. A Director must maintain a list of all such authorisations, as part of a comprehensive Directorate Scheme of Delegation.
- 3.6 The Leader or the relevant Cabinet Member (ie the Cabinet holder for that function) may direct that a delegated power should not be exercised by the Director or Head of Service but should be referred to Cabinet or the appropriate Committee unless otherwise agreed. Such direction should be exercised in consultation with the relevant Director.
- 3.7 A Director or Head of Service may refer any matter to Full Council, the Cabinet, the appropriate Committee of the Council or the Cabinet Member for decision at their discretion.
- 3.8 Directors and Heads of Service have responsibility to report to Council, Cabinet, the appropriate Committee or Committee Chair or appropriate Ward Members matters that are of a political or strategic significance where that body or person is not required to make a decision but where it is proper for them to be aware of the position.
- 3.9 Any delegation to a Cabinet Member may be exercised on his/her behalf by a Director or Head of Service authorised in writing by him/her either generally or specifically.
- 3.10 Directors, Heads of Service and officers authorised to exercise delegated powers are required to keep members properly informed of activity arising within the scope of these delegations and to ensure a proper record of such activity is kept and available to Members and the Public in accordance with the legislation.
- 3.11 If the post holder or office of any employee of the Council is vacant, or the employee is absent or otherwise unable to act, the most suitable senior officer available is hereby authorised to exercise the responsibilities of the vacant office and such action shall be recorded in writing by the Director with responsibility for the post or officer, or in the event of a Director, another Director.

4. SPECIFIC OFFICER DELEGATIONS

4.1 CHIEF EXECUTIVE

- 4.2 Where necessary in consultation with the Monitoring Officer, Chief Finance Officer, Political Groups, Leader of the Council and/or relevant Cabinet Member(s) to authorise urgent action between Cabinet meetings and ensure that the decision be made available to the Chair of the Overview and Scrutiny Committee or Chair of the relevant Scrutiny Panel.
- 4.3 To ensure strategically lead improvements in the quality and efficiency of service delivery and to devise and maintain systems to deliver good governance, including performance management, risk management and ethics/probity structures.

- 4.4 To determine the management structure and the deployment of staff.
- 4.5 Responsibility for ensuring:
- (i) that human resource management complies with current Council policy and standards
 - (ii) propriety and observance of Codes of Conduct for all Council staff
 - (iii) compliance with and observance of all established Council policies
- 4.6 To make arrangements for the Council to be represented on partnership and external bodies as required by statute or the Council.
- 4.7 To have all the powers of any other officer of the Council in the event of their absence or inability to act, except in so far as the exercise of such powers is by law limited to a specific post holder.
- 4.8 To act as Returning Officer for Local Elections and as Acting Returning Officer for Parliamentary Elections.
- 4.9 To agree fees and charges for election staff as recommended by the Joint Working Party of Chief Executives and District Secretaries throughout Hampshire and the Isle of Wight.
- 4.10 To be the Electoral Registration Officer for the Isle of Wight and the Electoral Registration Officer is permitted to appoint Deputies to act on all matters relating to Electoral Registration as considered appropriate.

Directors and their Direct Reports are authorised within their areas of responsibility and subject to the following conditions:

1. Directors are empowered to make such decisions and initiate such actions as they deem necessary in the interests of efficient delivery and improvement of services within their area of responsibility set out in the table at pages 76-82, which is revised from time to time to reflect the latest position.
2. To make minor amendments to the structure of their Department subject to consultation with the relevant Cabinet member.
3. With the exception of officers at JNC (Chief Officer) level, to make appointments to a post on the budgeted establishment and take such decision in relation to Human Resources as are appropriate for the proper management of the Directorate within the approved structure.
4. To implement the Council's Human Resources policies as shall apply at any time.
5. To authorise officers to carry out the Council's functions under all legislation, regulations, orders and statutory Codes of Practice, to include entry of premises, inspections and signing and service of Notices in relation to the Council's enforcement functions.
6. In an emergency, to take such action as is necessary within the law to protect life, health, and safety, the economic social or environmental well being of the Island, and to preserve property belonging to the Council or others.

7. To enter into contracts, review their operation, establish and maintain approved lists of contractors of suppliers and the appointment of consultants, subject to The Financial Regulations, The Procurement Rules, Contract Standing Orders and budgetary provision.
8. To Authorise legal proceedings in respect of offences under Acts, regulations, bylaws or orders within the remit of the Service area, and with the approval of the Deputy Director of Resources (Corporate Governance).
9. When taking or considering taking delegated decisions all officers must have regard to the following:
 - Does the decision involve significant expenditure to the service budget, or wider Council budget?
 - Does the decision affect the reputation of the service and/or Council?
 - Is the decision significant with regard to one or more wards?
 - Does the decision carry a significant risk to the service or wider Council?
 - Does the decision impact reputationally or financially on service users, partner organisations or committees outside the Council?

Officers must consider the above and, depending upon the level of significance, prepare an officer decision using the pro forma, to be signed off by the relevant Cabinet member. If the matter is considered to be of high significance then the officer should consider whether to consult Ward Member(s) or whether in fact a Cabinet Member or Cabinet report should be prepared instead and the matter entered on the Forward Plan.

Day to day routine management decisions do not need to be subject to formally recorded decision procedures.

RESPONSIBILITIES OF OFFICERS - To include the following but not limited to these

Director	Direct Reports	Responsibilities
CHIEF EXECUTIVE AND HEAD OF PAID SERVICE		<p>To provide principal leadership and management of the Council and the following detailed services:</p> <p>Provision of communications and publications support to all services across the authority (graphic design, marketing, internal communications, media relations, PR, publications, consultation, and print services), and strategic communications support to directors, cabinet and other members carrying out their Council duties.</p> <p>Provision of appropriate performance monitoring and management arrangements.</p> <p>Support service for the Chairman to the Council and the Lord Lieutenant</p> <p>Provision of the Authority's responsibilities with regard to school admissions and the Schools' Forum</p> <p>To advise the Council as appropriate, and to ensure the proper and efficient conduct of Council business.</p> <p>To facilitate and assist elected Councillors in their political, representative and policy duties by the provision of appropriate services, information and support.</p> <p>To advise on the appropriate structure of the Council's functions and ensure the effective implementation and operation of the structure.</p> <p>To lead and manage the Directors' team and to implement corporate initiatives.</p> <p>To ensure the delivery of Council services within a formal framework of cost and quality service standards. To co-ordinate service plans / service level agreements and service contract arrangements to the requirements of individual service users.</p> <p>To exercise overall strategic management at officer level and ensure appropriate liaison with elected representatives in the overall co-ordination and management of service provision to agreed priorities and within budgets.</p>

Director	Direct Reports	Responsibilities
		<p>To ensure appropriate arrangements for regular consultation with residents in order to develop understandings of service needs and priorities as the basis for planning provision and building democratic participation.</p> <p>To establish and maintain working relationships and partnerships with employees and Trade Unions, external agencies, authorities and organisations in the voluntary, public and private sectors and develop the role of the Council in local governance and civic leadership.</p> <p>To proactively implement the Council's equal opportunity policies and practices in employment and service delivery.</p> <p>To fulfill the role of Director for Schools and Learning.</p>
	Deputy Director – Schools and Education Services	<p>To provide strategic leadership to the Directorate securing high quality for education services to children and young people with particular regard to the standards agenda. Provide professional advice to leading Members, the Council and Chief Executive on policy and management issues relevant to Children and Young People's service functions, with particular regard to schools.</p> <p>Lead and develop an effective education services team and ensure that the Council's services are designed, commissioned and delivered in the most effective, efficient and equitable manner.</p> <p>Ensure that service provision meets with all relevant legislation and statutory guidance.</p> <p>Provide strategic advice and expertise in respect of education settings and services.</p> <p>Ensure that all services are developed through consultation and participation with key stakeholders and partner organisations and all commissioned services, programmes and related activities are centred on the identified needs of children, young people and their families.</p> <p>Establish effective working relationships with partner agencies including the Isle of Wight College, Work-based Learning Providers and relevant Government departments to establish strategic priorities to align resources, including pooled budgets that facilitate the commissioning and delivery of effective and integrated services where appropriate.</p>

Director	Direct Reports	Responsibilities
		<p>Operate as project director for the delivery of the Council's School's Capital Programme by providing professional advice and support to the Members of the Council, in particular Cabinet Members.</p> <p>Act as the lead senior officer in providing strategic liaison with Southampton City Council in the development work on school improvement related activities.</p> <p>Act as the commissioner for secondary education external providers.</p> <p>Contribute to the corporate management of the Council across the full range of its functions; build effective and constructive relationships between the Council and its key stakeholders, partner organisations, communities, and residents in order to promote successful partnership arrangements for service delivery.</p>
STRATEGIC DIRECTOR FOR COMMUNITY WELLBEING AND SOCIAL CARE		<p>To provide strategic direction, leadership and policy implementation to all services affecting adults, children and community wellbeing and provide service management of housing and community development, community safety, culture and heritage and, adult and children's social care, including safeguarding.</p>
	Deputy Director: Children's Social Care and Safeguarding	<p>Promote and develop the safeguarding agenda across all services for children and young people.</p> <p>Responsible for all services for looked after children, referral and assessment services and parenting and family support services.</p> <p>Develop services for young children (0-7) and their families and to increase the opportunities for further participation of children and young people.</p> <p>Maintain a Children's Centre Service to ensure full access to the core offer services to improve outcomes especially for our most vulnerable children and their families.</p> <p>Develop and maintain integrated services to ensure the needs of children and young people are identified early and services provided around individual needs to prevent issues escalating.</p> <p>Ensure provision of targeted information, advice and guidance to young people who are at greater risk through substance misuse, teenage</p>

Director	Direct Reports	Responsibilities
		pregnancy, youth offending, disengaging from learning and training and exclusions.
	Head of Commissioning for Community Wellbeing	Homelessness and Housing Options Services and the delivery of all forms of affordable housing, private sector renewal, disabled facilities grants, decent homes, empty properties, HMOs and Supporting People. Delivery of Wightcare housing support service. Developing the voluntary and community sector. Cultural and heritage based activities (including libraries, archives, archaeology, museums and the arts). Implementing Crime and Disorder Strategy in co-operation with internal and external partners and leading on the commissioning of a range of drug and alcohol treatment services. Delivering front line community safety services (e.g. CCTV and Community Safety Officers). Supporting the community safety partnership on day-to-day basis.
	Head of Commissioning Adult Social Care	Commissioning of community care services (and some services in partnership with the NHS); service delivery of care management and LA provided community care services (including resource centres, domiciliary services, respite and day care services and 24/7 duty service); business and performance management (including data owner of Swift system, data collection and performance reporting).
STRATEGIC DIRECTOR OF ECONOMY AND ENVIRONMENT		To provide strategic direction, leadership and policy implementation in the areas of economy, tourism, public realm and leisure; fire and rescue; highways and waste; planning and regulatory services; highways PFI scheme and Procurement and Contract Management. Provision of a Bereavement and Cemetery Services function consistent with relevant statutory requirements.

Director	Direct Reports	Responsibilities
	Deputy Director: Economic Development	To act as the lead advisory officer for economic growth and development, inward investment, tourism, strategic asset management, commercial services, leisure, the public realm and sustainability and the business and performance management of the Council functions and services related to these areas.
	Chief Fire Officer	To act as the executive, operational and administrative lead to the Fire and Rescue Service. Responsible to the Fire Authority for the discharge of requirements under the Fire and Rescue Services Act, National Framework and obligations in regard to Emergency Planning preparedness.
	PFI Programme Director	To act as the lead advisory officer in the preparation and delivery of the highways PFI scheme and in particular : to deliver the Highways PFI Project to time, cost and quality; manage the preparation and delivery of the PFI procurement process; continue to improve stakeholder engagement through effective communication; Support the Council's economy and skills agenda, whilst maintaining focus on managing the Highways PFI procurement process to deliver value for money.
	Strategic Manager: Highways and Transportation	To act as the lead advisory officer and manage all highways and public transport services including; highway and bridge maintenance; street lighting; public transport; network management; rights of way; accessibility and safety improvements, coastal management and development control.
	Head of Planning and Regulatory Services	To act as the lead advisory officer in all areas of planning and service management of building control; including policy development under the Planning Acts and processing of planning applications and associated submissions, planning enforcement , matters relating to tree preservation orders, high hedge applications and village greens. Lead advisory officer for Environmental Health, Licensing and Trading Standards.

Director	Direct Reports	Responsibilities
	Strategic Manager: Assets	To act as the lead advisory officer in respect of strategic asset planning; the power to buy and sell land; entering into and granting leases and licences; managing landlord and tenant negotiations; undertaking feasibility studies for and making applications to develop property and buildings.
STRATEGIC DIRECTOR OF RESOURCES		S.151 OFFICER*. To provide strategic direction, leadership and policy implementation in all areas of financial management, strategic projects, compliance and procurement; exchequer and resident services; ICT and strategic asset management. To make arrangements for the proper administration of financial affairs, in collaboration with the Monitoring Officer to ensure good and improving governance arrangements. Operating funds, provisions and reserves and pension fund investment. Approval of the Council tax base for each financial year.
	Head of Financial Management	To act as the lead advisory officer in all aspects of financial management and service management of accounting functions; budget management and monitoring; financial strategy and budget planning; resource allocation including matching resources to corporate priorities; financial advice; stewardship of public funds; treasury management and pension fund accounting; business effectiveness and business intelligence; performance and risk management; value for money.
	Head of Resident Advice and Shared Services	To act as the lead advisory officer in all aspect of exchequer and resident services and service management of Shared Services; payments; customer accounts, HR / payroll, pensions administration, revenues and benefits, car parks administration, property services estate management, corporate contact centre and help centres.
	Head of ICT	Provision of ICT Support Services (including 1st line and 2nd line support, Infrastructure, Change, Configuration and Release Management. ICT Procurement, and Application support and training of key systems). Development (including websites) software and application development), Strategic Development, corporate ICT project management and ICT

Director	Direct Reports	Responsibilities
		Security.
DEPUTY DIRECTOR OF RESOURCES (CORPORATE GOVERNANCE) AND MONITORING OFFICER		<p>MONITORING OFFICER* (see Monitoring Officer Protocol) including support to the Ethical Standards Committee, Council and Cabinet meetings Data Protection Officer, Caldicott Guardian and Senior Information Risk Officer.</p> <p>Registrar of Births Deaths and Marriages and Civil Partnerships service and the Coroners Service.</p> <p>Strategic direction, leadership and policy implementation in the areas of legal and democratic services and human resources.</p>
	Corporate Governance Manager	<p>Statutory Scrutiny Officer.</p> <p>Support to the Cabinet, to Overview and Scrutiny Function. Democratic Services, Elections and Electoral Registration, Land charges. Make appointments to outside bodies. Proper Officer for registration functions. Parish Liaison. Management of the Council's responsibility to provide a Coroner's Service.</p> <p>Management of the transformation team and works to County Hall.</p>
	Strategic Manager Legal Services	<p>Legal Services - to provide legal advice to all areas of the Council, to conduct litigation, both civil and criminal, including the bringing, defending and settling of prosecutions on behalf of the Council (including where appropriate acceptance of cautions) for the purpose of securing the business and assets and assisting in the delivery of client services.</p> <p>Corporate Information Unit – information governance policies, procedures, and investigations, Freedom Of Information and Data Protection requests.</p>
	Head of Human Resources	<p>Employment Advice; Employment Services; Organisational Development; Equality & Diversity; health and safety; the Approval of Policies (HR) and procedures, following consultation with Trade Unions and other staff representatives which collectively comprise the terms and conditions of employment.</p>

* These functions may not be undertaken by another officer unless specifically delegated by the Statutory Officer

APPENDIX C

REPORT TO THE ISLE OF WIGHT COUNCIL

POLICE AND CRIME PANEL – PANEL ARRANEGEMENTS

Report prepared by officers supporting the 15 Leaders of the Hampshire and Isle of Wight local authorities.

1. Executive Summary

- 1.1. The Police Reform and Social Responsibility Act 2011 (“the Act”) introduces changes to the arrangements for governance of the Policing Service. In November 2012, police authorities will be abolished and replaced by a Police and Crime Commissioner (“the Commissioner”) for each policing area. The Commissioner will be responsible for securing the maintenance of an efficient and effective police force for the area, and hold the Chief Constable to account for the exercise of his/her functions. The Commissioner will also be responsible for issuing and keeping under review a Police and Crime Plan, setting out local policing priorities and how policing is to be resourced. The Act also requires the local authorities for each policing area to establish a Police and Crime Panel to review and scrutinise the Commissioner’s actions and decisions, with a view to supporting the work of the Commissioner.
- 1.2. This paper outlines the statutory role of a Police and Crime Panel, and recommends the basis on which it is proposed that a Panel should be established for the Hampshire Policing Area (i.e. Hampshire County Council, the 11 district councils in Hampshire, and the unitary authorities for Isle of Wight, Portsmouth and Southampton). The development of these terms has been the subject of discussion and agreement at HIOWLA leaders’ meeting on 27 January 2012, and with the other 14 constituent authorities.

2. Contextual information - Statutory Functions of a Police and Crime Panel

- 2.1. These comprise duties and powers. All functions are to be exercised with a view to supporting the effective exercise of the Commissioner’s functions.
- 2.2. Duties
 - To review the draft Police and Crime Plan, or draft variation, and make a report or recommendations on it to the Commissioner
 - On receipt of the Commissioner’s annual report, to meet in public to ask the Commissioner questions on the report, to review the report and make a report or recommendations on it to the Commissioner
 - To review or scrutinise decisions made, or other action taken, by the Commissioner in the discharge of his/her functions, and make reports or recommendations thereon to the Commissioner (Note: the Panel’s role therefore is to scrutinise the Commissioner in the discharge of his/her functions – not the Chief Constable)

- To review and make recommendations to the Commissioner on proposals to appoint senior staff and Chief Constable
- To make a recommendation to the Commissioner on any proposal to remove the Chief Constable
- To review and report to the Commissioner on his/her proposed precept
- To publish any reports or recommendations made to the Commissioner, and send copies to local authorities in the Panel's area
- To appoint an Acting Commissioner (from amongst the Commissioner's staff) where the Commissioner is incapacitated or suspended

2.3. Powers

- To require the Commissioner and members of his/her staff to attend before the Panel (at reasonable notice) to answer any question which appears to the Panel to be necessary in order for it to carry out its functions
- Where it requires the Commissioner to attend before the Panel, it may also request the Chief Constable to attend on the same occasion (at reasonable notice) to answer any question which appears to the Panel to be necessary in order for it to carry out its functions
- To require the Commissioner to respond in writing (within a reasonable period determined by the Panel) to any of the Panel's reports or recommendations
- NB. The Commissioner and his/her staff are under a duty to comply with the above requirements
- To suspend the Commissioner where she/he is charged with an offence punishable by a maximum term of imprisonment of more than two years
- To veto the proposed appointment of Chief Constable (subject to two thirds of members voting in support)
- To veto the Commissioner's proposed precept (subject to two thirds of members voting in support)
- Note: Secondary legislation makes provision for the involvement of the Panel in the handling of complaints against the Commissioner. Serious complaints will be handled by the Independent Police Complaints Commission, and other complaints dealt with by the Panel via local resolution

3. Membership

3.1. The Panel for the Hampshire Policing Area must consist of:

- 15 members each appointed by their local authority. Authorities are free to determine whether they are represented by their Leader, executive member or non-executive member (except where an authority has an elected mayor, in which case they must be appointed)

- A minimum of 2 co-opted members appointed by the Panel. These cannot be members of local authorities within the Hampshire Policing Area
- Up to 3 additional co-opted members may be appointed by the Panel, subject to the agreement of the Secretary of State. These may be, but do not have to be, members of local authorities within the Hampshire Policing Area
- All Panel members are equal voting members
- In the unlikely event that an authority fails to appoint a member, there are provisions enabling appointment of a member of that authority by the Secretary of State
- The Panel is established as a “joint committee” and there is provision for the Secretary of State to apply (by statutory instrument) existing local government legislation to its business. This will mean that well-established and familiar provisions in the Local Government Act 1972 on the holding of meetings in public, advance publication of agendas etc are applied

3.2. Although appointment of co-opted members is a matter for the Panel, authorities may wish to bring to the attention of the Panel any potential candidates with relevant skills, knowledge and experience, for their consideration.

4. The Balanced Appointment Objective

4.1. This is the objective that the local authority members of a Panel (when taken together):

- Represent all parts of the Police Area
- Represent the political make-up of the local authorities in the Police Area (when taken together)
- Have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively

5. Duty to Produce a Balanced Panel

- In making appointments to the Panel, local authorities must secure that (as far as reasonably practicable) the balanced appointment objective is met. The qualification of “as far as reasonably practicable” allows some flexibility in achieving strict mathematical proportionality
- In co-opting persons who are members of local authorities, the Panel must secure that (as far as reasonably practicable) the “balanced appointment objective” is met
- The Panel must, from time to time, decide whether exercising its power to co-opt up to 3 additional members would contribute to the balanced appointment objective being met (or met more effectively)
- This means that, once each authority has appointed its representative, the Panel has the flexibility to co-opt up to 3 further local authority members (e.g. from the minority parties) to achieve overall political balance (subject to Secretary of State

consent)

- Local authorities may rely on the Panel exercising its co-option power to ensure the balanced appointment objective is achieved i.e. on this basis an authority may not normally be required to appoint other than its preferred member
- Following elections in May 2012, information on political balance across the 15 local authorities will be circulated to the authorities to enable appointments to be made in line with the balanced appointment objective

6. Panel Arrangements

- In establishing the Panel, the local authorities have a duty to make “Panel Arrangements”
- This will be a joint agreement in writing setting out the position on various aspects of how the Panel carries out its business. It will require approval by all 15 local authorities
- Note that although the Panel Arrangements must make provision about the co-option of, and holding of office by, the co-opted members, actual decisions as to the co-option of members, including the appointment of an initial two co-opted members, and a decision as to whether up to three additional members should be co-opted (subject to Secretary of State consent), are decisions for the Panel to make once constituted
- In co-opting members who are not members of relevant local authorities, a Panel must secure that (as far as is reasonably practicable) the appointed and co-opted members of the Panel (when taken together) have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively
- The draft Panel Arrangements proposed by the Hampshire authorities are [available from this web link](#). These have been the subject of wide consultation and discussion. The main provisions are summarised below

7. Panel Rules of Procedure

The Act distinguishes between matters to be agreed by the 15 local authorities in the Panel Arrangements, and those matters that are to be determined by the Panel itself, once constituted. The following matters will not therefore be predetermined in the Panel Arrangements, but would be agreed at the inaugural meeting of the Panel:

- Appointment, resignation and removal of the Panel Chair
- The method of making decisions (e.g. adoption of standing orders on meeting procedures)
- Formation of Sub-committees

8. Panel Arrangements – Term of Office

- 8.1. The Act requires that Panel Arrangements include provision about the term of office of appointed members and co-opted members, and about the conditions for re-appointment.

8.2. It is proposed that all Members are appointed to the Panel for a four year term, and are eligible for re-appointment on the expiry of that term. This is subject to the rules on change of membership summarised at paragraph 9 below. There would be no restriction on the number of terms of office that could be served.

8.3. Other options considered and rejected: consideration has been given to the possibility of making appointments for different periods, to avoid all appointments expiring at the same time, which could make for a loss in continuity. The possibility of placing a restriction on number of terms has also been assessed. However, it is felt that retaining flexibility over the making of re-appointments would avoid risk of loss in continuity. The proposal accords with the current position with police authorities, where an appointment would normally be for a four year term.

9. Panel Arrangements – Resignation and Removal of Members

9.1. The Act requires that Panel Arrangements include provision about the resignation and removal of appointed members and co-opted members.

9.2. It is proposed that:

- any member may resign at any time, by notice in writing to the Panel Chair and their appointing authority
- any appointed member may be removed by their appointing authority at any time
- an authority may authorise another of its members to deputise for their appointed member, where the appointed member is unable to attend a Panel meeting or otherwise undertake Panel business, for a period of up to 28 days. As the Act makes no reference to “deputy members”, this is achieved by the relevant authority’s Chief Executive having delegated authority to give notice of temporary change of appointed member. This is intended to provide a quick and flexible way of ensuring that the element of the balanced appointment objective, that requires all local authority members (when taken together) to represent all parts of the police area, remains met in the event that an authority’s normal representative is temporarily unavailable

9.3. Other options considered and rejected: consideration has been given to having less flexibility in the removal of Members, to avoid loss of skills and experience at short notice, and to protect the independence of a Member to act and vote as they consider appropriate. However, it was felt that flexibility was necessary to enable membership to be reviewed as required to ensure that the balanced appointment objective (see paragraphs 5 and 6 above) remained met (for example, following change in political control of an authority).

10. Panel Arrangements – the Costs of the Panel

10.1. The Act requires that Panel Arrangements make provision about how the relevant local authorities are to meet the costs of the Panel, and how any funds paid by the Secretary of State to meet the costs of the Panel are to be distributed between the authorities.

10.2. The Home Secretary has confirmed that the Government is making available £53,300 per annum for the costs of supporting and maintaining the Panel, and a

further £920 per annum per member, to fund necessary expenses. This will provide an overall budget for the panel of around £72k in a full year, and around £36k in 2012-13.

10.3. The Government has asked that one authority in the police area acts as Lead Authority for the receipt of the funding and co-ordination of the establishment of the Panel. It was agreed at HLOWLA Leaders meeting on 27th January 2012 that Hampshire County Council would act in this capacity.

10.4. It is proposed that:

- The general objective shall be that the total costs of running the Panel are contained within the Government funding. The Panel will receive and approve a budget, and monitor expenditure against it
- To the extent that the Government funding is exceeded, the excess will be borne by the authorities in equal shares, unless they agree otherwise

11. Panel Arrangements – Payment of Members’ Allowances

11.1. The Act provides that Panel Arrangements may make provision about the payment of allowances to Members. As indicated above, the Government is making available £920 per annum (£460 in 2012-13) towards expenses incurred by each Panel member. No specific provision is made for payment of further allowances.

11.2. It is proposed that:

- Panel members claim travel and subsistence from their own authority in accordance with that authority’s usual scheme of allowances. Actual sums claimed on Panel business would be reimbursed by the Lead Authority to the appointing authority, up to a limit of £920 per annum (£460 in 2012-13)
- Where the member elected as Panel Chair is not already in receipt of a special responsibility allowance, their appointing authority shall explore amending its scheme of allowances to provide for this, in acknowledgement of the responsibilities of Panel Chair
- The Lead Authority will explore amending its scheme of allowances to provide for the payment of a Co-optee’s allowance to any of the Panel’s co-opted members who is not also an authority member

11.3. Other options considered and rejected: the payment of further allowances is not proposed due to the impact this would have on the Panel’s ability to contain its costs within the funding provided by the Government. Further, all local authority members of the Panel will already be in receipt of a basic allowance from their own authority.

12. Panel Arrangements – Promotion of the Work of the Panel

12.1. The Act requires that Panel Arrangements must make provision for the role of the Panel to be promoted.

12.2. It is proposed that the Panel’s terms of reference include the functions of promoting its work and engaging stakeholder involvement.

12.3. No other options have been considered. The recommended way forward leaves it for the Panel to decide in detail how it wishes these functions to be performed.

13. Panel Arrangements – Administrative and Other Support to the Panel and Members

13.1. The Act requires that Panel Arrangements must make provision for administrative and other support to the Panel and its Members and for support and guidance to members and officers of local authorities in the Panel's area in relation to the Panel's functions. This includes support with arranging meetings and minute-taking, communications, policy advice and support with scrutiny functions, legal and financial advice.

13.2. It is proposed that an interim arrangement is put in place for the Panel's first year of operation, pending the carrying out of a commissioning process. This would meet the immediate needs of the Panel while allowing it to consider, specify and commission the support it requires for the longer term.

13.3. Other options considered and rejected: sharing policy advice with the Commissioner's Office is not considered tenable due to the need for objectivity in scrutiny of the Commissioner. Further, there is the possibility that members of the Commissioner's staff may be required to attend before the Panel to answer questions.

14. Panel Arrangements – Date of Commencement

14.1. The minimum legal requirement is for the Panel to be in operation by November 2012 when the Commissioner is elected.

14.2. It is proposed that the Panel be established by June 2012.

14.3. There are some key issues for the Panel to address over the winter period of 2012-13, including scrutinising the newly-elected Commissioner's first draft Police and Crime Plan and proposed precept for the 2013-14 financial year. It is felt therefore that the Panel would benefit from having an initial period, before taking on its statutory responsibilities, to deal with items of "start-up" business, such as induction of Members in police policy issues, agreeing Panel procedures and appointing its Chair and co-opted Members. The intention would be for the Panel to be ready to operate effectively from November 2012.

14.4. Further, the Secretary of State retains default powers under the Act to impose a Police and Crime Panel if the authorities for the Police Area do not establish one. Indications are that the Secretary of State will wish to see evidence of action on the part of the authorities well in advance of November 2012, in order not to use her default powers.

15. Next Steps

15.1. To enable a Panel to be established from June 2012, all 15 constituent authorities are being asked to approve the Panel Arrangements at their annual meetings in May 2012, and to appoint a Panel Member. Following the local elections on 3rd May 2012, updated information as to the political make-up of the 15 authorities (when taken together) will be made available, so that authorities can appoint their member in line with the political balance requirements of the balanced appointment

objective. The date set provisionally for the first meeting of the Panel is 29th June 2012.

15.2. At the date of preparing this report, the Home Secretary has not yet published regulations and guidance on the establishment of police and crime panels, which was previously stated to be due for publication in March. However, relevant Home Office staff have had sight of the draft Panel Arrangements for Hampshire, and have indicated that the regulations and guidance, when they are published, will be “light touch”. It is unlikely therefore that these will give rise to any need for fundamental change of the proposed Panel Arrangements.

15.3. Nevertheless, it is felt advisable for each authority to grant delegated authority to its Chief Executive to agree any further minor amendments to the draft Panel Arrangements that may be necessary to ensure statutory compliance, once the regulations and guidance have been published.

16. Conclusion

16.1. This report summarises the legal framework relevant to the new police and crime panels and sets out the terms on which it is recommended a Panel be established for the Hampshire Policing Area.

17. Recommendations

That it be recommended to Council that:

17.1. The recommended terms on which the Police and Crime Panel should be established are endorsed.

17.2. Subject to 17.3, the Panel Arrangements as set out in this report and [available from this web link](#) are approved.

17.3. The Chief Executive, in consultation with the Leader, be authorised to agree any further minor amendments to the Panel Arrangements necessary to ensure statutory compliance, once the Home Secretary’s final regulations and guidance have been published.

17.4. A member be appointed as the Council’s Appointed Member to the Panel.

17.5. A member be identified to act as “Deputy Member” and, where the Appointed Member is temporarily unable to attend a Panel meeting or otherwise undertake Panel business, the Chief Executive be authorised to give notice of temporary change of membership for a period of up to 28 days, to enable the Deputy Member to deputise in the Appointed Member’s absence.

APPENDIX D

Proposed arrangements for submitting oral questions at meetings of Council and Cabinet:

- a. That the front desk “opens” for public wishing to attend the meeting half an hour before the meeting.
- b. When signing in at the front desk as attending a Council or Cabinet meeting each member of the public is asked whether they wish to ask an oral question at the meeting AND / OR if the member of the public indicates themselves that they wish to ask an oral question.
- c. In the circumstances that a member of the public wishes to ask an oral question, they be given a form to complete which details their name, town / village of residence, email (or home) address and the topic of the question (not the question in full, unless they wish to provide this).
- d. These forms will be consecutively numbered in the order handed back.
- e. The time for registering will be from 30 minutes prior to the start of the meeting up until 10 minutes prior to the start of the meeting.
- f. At the expiry of the 10 minutes prior to the start of the meeting these sheets will be collected and given to the Chairman of that meeting, in numbered order.
- g. When the meeting gets to the agenda item for public questions, and if time allows after dealing with any written questions, the Chairman will then ask those who have submitted an oral question (in the numbered order that they were handed back) to put their question and as the subject matter is known at that stage the Chairman should be able to indicate which member will reply.
- h. The option of supplementary questions for both written questions and these registered oral questions will be available, at the Chairman’s discretion.
- i. A person who has submitted a written question will not also be able to submit an oral question at the same meeting.
- j. Once the defined period of time allowed for questions has passed (and assuming the Chairman has not extended this) then all unanswered oral questions are left at that (unless Chairman exercises his / her discretion to extend).
- k. No oral question will receive a guaranteed written response, unless the member responding indicates as such.
- l. The procedure set out above, along with guidance information, will be made available from a weblink to the agenda and also to those individuals who register to ask written or oral questions.